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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Matus, Tim A.
Serial No. : 10/605,931
Filed : November 6, 2003
For : One-Piece Consumable Assembly
Group Art No. : 3742
Examiner : Paschall, M.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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37 CFR 1.8(a)

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Date: April 2, 2009

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RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF
MAILED MARCH 2, 2009

Dear Sir:

Responsive to the Notice of Non-Compliant Appeal Brief mailed March 2, 2009,
Appellant requests consideration of the amendment and remarks set forth below.

REMARKS

According to the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on June 19, 2006 was non-compliant because “[t]he summary of claimed subject matter must identify and map all independent claims (1, 12, 17 and 22) to specification by page and line number or paragraph number.” *Notification of Non-Compliant Appeal Brief*, March 2, 2009, pg. 2.

Responsive to the Notification of Non-Compliant Appeal Brief, Appellant submits herewith an amended section **5. Summary of Claimed Subject Matter**. Per MPEP § 1205.03, an entire new brief is not required if the Appeal Brief is held to be defective “solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v).” Thus, in accordance with MPEP §1205.03, the amended section **5. Summary of Claimed Subject Matter** is included here below.

Appellant appreciates consideration of these Amendments and Remarks and cordially invites the Examiner or the Patent Appeals Specialist to call the undersigned, should any matters be considered unresolved.

Respectfully submitted,

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Dated: April 2, 2009
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5. **SUMMARY OF THE CLAIMED SUBJECT MATTER**

A plasma torch consumable assembly (38) is set forth in claim 1. Application, pg. 8, lns. 1-2. The plasma torch consumable assembly (38) contains a shield cup (64), an electrode (42) integrally connected to the shield cup (64), and a tip (58) integrally connected with the shield cup (64) and the electrode (42). Id., lns. 1-3. Together, the shield cup (64), electrode (42) and tip (58) form a one-piece assembly (38) wherein the tip (58) is constructed to secure the one-piece assembly (38) to a torch body (36). Id., lns. 2-5. Additionally, a swirl ring (50) having a first side integrally connected to the electrode (42) and a second side integrally connected to the tip (58) can be incorporated into the plasma torch consumable assembly (38). Id., pg. 5, lns. 9-12. A shield (74) can also be integrally connected to an end of the shield cup (64). Id., pg. 6, ln. 5. The entire consumable assembly can then be configured to be snap-fittable to the plasma torch body (36). Id., pg. 5, lns. 24-25.

Claim 12 of the invention calls for a plasma cutter (10) having a power source (12) with a torch (16) connected thereto (Fig. 1). Id., pg. 8, lns. 8-9. The power source (12) is configured for conditioning power into a form usable by a plasma cutting process. Id., lns. 9-10. The conditioned power is sent to the torch (16), which is configured to effectuate the plasma cutting process. Id., lns. 11-12. A one-piece consumable assembly (38) is also part of the plasma cutter (10) and is comprised of a cap (64), a tip (58) fixedly connected to the cap (64), and an electrode (42) fixedly connected to the cap (64) (Fig. 2). Id., lns. 12-13. The tip (58) is constructed to snap-fit the consumable assembly (38) to the torch (36). Id., lns. 14-15. This one piece assembly (38) is assembled prior to being connected to the torch. Id., lns. 13-14.

Claim 17 of the invention calls for a replacement plasma torch consumable kit made up of a shield cup (64), an electrode (42), and a tip (58) constructed to be attached to a torch (36). Id., lns. 18-21. At least two of the shield cup (64), electrode (42), and tip (58) in the replacement plasma torch consumable kit are press-fit to one another. Id., lns.

20-21. Additionally, each of the shield cup (64), electrode (42), and tip (58) can be secured to one another to form a one-piece assembly (38). Id., pg. 7, lns. 18-26.

Claim 22 of the current invention calls for a method of manufacturing a plasma torch consumable assembly which includes the steps of providing an electrode, providing a tip, and integrally connecting the electrode within a perimeter of the tip into a single unitary consumable structure. Id., pg. 8, lns. 23-26. Additionally, the step of providing a shield cup and integrally forming the shield cup in the single unitary consumable structure can also be taken. Id., pg. 7, lns. 18-22.